

**20A-4-306 Statewide canvass.**

- (1)
  - (a) The state board of canvassers shall convene:
    - (i) on the fourth Monday of November, at noon; or
    - (ii) at noon on the day following the receipt by the lieutenant governor of the last of the returns of a statewide special election.
  - (b) The state auditor, the state treasurer, and the attorney general are the state board of canvassers.
  - (c) Attendance of all members of the state board of canvassers shall be required to constitute a quorum for conducting the canvass.
- (2)
  - (a) The state board of canvassers shall:
    - (i) meet in the lieutenant governor's office; and
    - (ii) compute and determine the vote for officers and for and against any ballot propositions voted upon by the voters of the entire state or of two or more counties.
  - (b) The lieutenant governor, as secretary of the board shall file a report in his office that details:
    - (i) for each statewide officer and ballot proposition:
      - (A) the name of the statewide office or ballot proposition that appeared on the ballot;
      - (B) the candidates for each statewide office whose names appeared on the ballot, plus any recorded write-in candidates;
      - (C) the number of votes from each county cast for each candidate and for and against each ballot proposition;
      - (D) the total number of votes cast statewide for each candidate and for and against each ballot proposition; and
      - (E) the total number of votes cast statewide; and
    - (ii) for each officer or ballot proposition voted on in two or more counties:
      - (A) the name of each of those offices and ballot propositions that appeared on the ballot;
      - (B) the candidates for those offices, plus any recorded write-in candidates;
      - (C) the number of votes from each county cast for each candidate and for and against each ballot proposition; and
      - (D) the total number of votes cast for each candidate and for and against each ballot proposition.
  - (c) The lieutenant governor shall:
    - (i) prepare certificates of election for:
      - (A) each successful candidate; and
      - (B) each of the presidential electors of the candidate for president who received a majority of the votes;
    - (ii) authenticate each certificate with his seal; and
    - (iii) deliver a certificate of election to:
      - (A) each candidate who had the highest number of votes for each office; and
      - (B) each of the presidential electors of the candidate for president who received a majority of the votes.
- (3) If the lieutenant governor has not received election returns from all counties on the fifth day before the day designated for the meeting of the state board of canvassers, the lieutenant governor shall:
  - (a) send a messenger to the clerk of the board of county canvassers of the delinquent county;
  - (b) instruct the messenger to demand a certified copy of the board of canvasser's report required by Section 20A-4-304 from the clerk; and

- (c) pay the messenger the per diem provided by law as compensation.
- (4) The state board of canvassers may not withhold the declaration of the result or any certificate of election because of any defect or informality in the returns of any election if the board can determine from the returns, with reasonable certainty, what office is intended and who is elected to it.
- (5)
  - (a) At noon on the fourth Monday after the regular primary election, the lieutenant governor shall:
    - (i) canvass the returns for all multicounty candidates required to file with the office of the lieutenant governor; and
    - (ii) publish and file the results of the canvass in the lieutenant governor's office.
  - (b) Not later than the August 1 after the primary election, the lieutenant governor shall certify the results of:
    - (i) the primary canvass, except for the office of President of the United States, to the county clerks; and
    - (ii) the primary canvass for the office of President of the United States to each registered political party that participated in the primary.
- (6)
  - (a) At noon on the day that falls seven days after the last day on which a county canvass may occur under Section 20A-4-301 for the Western States Presidential Primary election, the lieutenant governor shall:
    - (i) canvass the returns; and
    - (ii) publish and file the results of the canvass in the lieutenant governor's office.
  - (b) The lieutenant governor shall certify the results of the Western States Presidential Primary canvass to each registered political party that participated in the primary not later than the April 15 after the primary election.

Amended by Chapter 2, 2011 Special Session 3

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